



INDIANA'S NEW SMOKING LAW

FREQUENTLY ASKED QUESTIONS – GENERAL INFORMATION

1. When does Indiana's new statewide smoking ban go into effect?

The new law goes into effect July 1, 2012.

2. Where can I find a copy of House Enrolled Act No. 1149?

You can access it at: <http://www.in.gov/legislative/bills/2012/HE/HE1149.1.html>.

3. Where is smoking prohibited?

Smoking is prohibited in most public places and places of employment. Smoking is also prohibited in state-owned vehicles and school buses under certain circumstances.

4. Where is smoking permitted?

Smoking is permitted in the following establishments: a horse-racing facility, a riverboat, a facility with a gambling game license, a satellite-gaming facility, cigar bars, hookah bars, certain fraternal clubs, a retail-tobacco store, a bar or tavern meeting certain requirements, a cigar-manufacturing facility, a cigar-specialty store, a business in a private residence, provided that each establishment meets the requirements of [I.C. 7.1-5-12](#).

5. How far must someone be from the entrance of a public place or place of employment in order to smoke?

Smoking is prohibited within eight feet of a public entrance to a public place and place of employment.

6. Who enforces the law?

The Alcohol & Tobacco Commission is the primary enforcement agency. Additionally, the Indiana State Department of Health, a local health department, a health and hospital corporation (Marion County), the Division of Fire and Building Safety, and any law enforcement officer may enforce the law.

7. Where may I file a complaint for a violation of the smoking ban?

The complaint form is found at: <http://www.in.gov/atc/2640.htm>. Only complaints concerning the state smoking law will be investigated. For a violation of a local city, town, or county smoking ordinance, please contact the appropriate city, town, or county government agency directly. We cannot enforce local ordinances.

8. Is smoking prohibited in vehicles?

Smoking is only prohibited in state-government vehicles owned, leased and operated for governmental functions. Smoking is permitted in private vehicles.

9. Where should signage be located?

Signs are required to be posted at all public entrances of enclosed public places and places of employment. Signs must read “State Law Prohibits Smoking Within 8 Feet of this Entrance” or other similar language. Signs are available online at www.in.gov/atc.

10. Where can I get information on quitting tobacco use?

You can get more information from: <http://www.in.gov/quitline/>.

11. How does the state law affect local ordinances on smoking?

The new state statute does not supersede a local county, city, or town ordinance previously adopted, if that local ordinance is more restrictive than state law. Additionally, the new state statute does not prohibit a local county, city, or town from adopting an ordinance more restrictive than state law.

12. May a business exempt from the state smoking law choose to prohibit smoking?

Yes. A business owner or manager may voluntarily choose to prohibit smoking, even if the type of business is one of the exemptions to the state’s smoking law. For example, a tavern owner may chose to prohibit smoking.

13. The smoking-ban law requires businesses that are exempt from the ban to provide the Alcohol & Tobacco Commission with a statement verifying their exemption. How do we file this statement with the ATC?

Fraternal clubs and other organizations that meet all of the requirements for an exemption from the state smoking ban may file the Exemption Form found on the ATC’s website, www.in.gov/atc. The form will be available before July 1, 2012, when the law takes effect.

14. Does the new smoking law include chewing tobacco and snuff?

No.